IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.223 of 2004

Prakash Anant Patil & ors. Petitioners
Vs.
The State of Maharashtra & anr. Respondents

Mr.P.S.Dani for petitioners.

Ms.M.P.Thakur, AGP for resp.no.1.

Mr.N.V.Walawalkar, Sr.Counsel with Mr.G.H. Keluskar
for resp.no.2.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

October 04, 2006.

P.C.

. Heard Mr.Dani, the learned counsel for the petitioners and they have mainly challenged the notice dated 21/10/2002 issued by the Chief Officer of Uran Municipal Council in Raigad District.

. Apparently the said notice is based on the resolution passed on 12/2/2002 (Resolution no.18) by the Municipal Council and even though it is purported to have been passed under Section 37 of the MRTP Act, the language of Section 308 of the Maharashtra Municipalities Act, 1965 is very clear and the said resolution on the basis of which the impugned notice

has been issued can be challenged by the petitioners under the said Section. The ambit of Section 308 has been interpreted by a Full Bench of this Court in the case of Sanjay Govind Sapkal & ors. v. Collector of Dhule & ors. **[2003 (3) Bom.C.R. 550]**. We, therefore, deem it appropriate to relegate the petitioners to the alternative remedy before the Collector, Alibaug. If the petitioners file an application challenging the Resolution No.18 passed on 12/2/2002 by the Uran Municipal Council within a period of four weeks from today, the interim protection granted by this Court will continue to operate for the said period of four weeks.

. The petition is disposed off in terms of the above directions.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE